IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 1ST MARCH 2007 / 10TH PHALGUNA 1928

Crl.Rev.Pet.No. 242 of 1998()

CRA.84/1995 of ADDL.SESSIONS COURT, KOZHIKODE
ST.335/1991 of JUDL. MAGISTRATE OF FIRST CLASS-I, KOZHIKODE
.....

REVN. PETITIONER:

P.T. ABDUL RASHEED,
S/O. O.C. ABDULLA, RESIDING AT
THATTATHIL, JAFKHAN COLONY,
KOZHIKODE.

BY ADV. SRI.V.V.SURENDRAN

RESPONDENTS:
---

1. E.S.I. CORPORATION,
REPRESENTED BY INSURANCE INSPECTOR (LEGAL)
EMPLOYEES STATE INSURANCE CORPORATION,
KOZHIKODE.

2. STATE REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SMT.T.D.RAJALAKSHMI
SMT. BREEZE M.S., PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 01/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL. M.P. NO. 1211/1998 IN CRL. R.P. NO. 242/1998

DISMISSED

01.03.2007 SD/- K.R. UDAYABHANU, JUDGE.

K.R. UDAYABHANU, J

==========

CRL. R.P. NO. 242 OF 1998

==========

Dated this the 1st day of March 2007

O R D E R

The revision petitioner is the accused in S.T. No. 335/91 with respect to the offence under section 85(g) of the Employees State Insurance Act, 1948. He stands convicted and sentenced to undergo simple imprisonment for two months and to pay a fine of Rs.2000/- and in default to undergo simple imprisonment for two months. The allegation is that the accused, said to be the principal employee of the establishment, did not furnish the details sought for by the Assistant Regional Director (Vigilance) of the E.S.I Corporation. The contention of the revision petitioner is that at the time the dispute, as to whether the establishment is covered by the ESI Act, was pending before the ESI Court and subsequently the ESI court as per Ext.P1 order has held that the establishment is not covered by the Act. The courts below have considered the evidence in the matter and found that the revision

petitioner has failed to furnish the required documents and thereby violated section 44(2) of the Act. Considering the fact that the matter involves only appreciation of evidence, I find that no interference is called for. All the same, considering the plea of the counsel for the revision petitioner and also taking into consideration that the matter is of the year 1991, sentence is liable to be modified. Hence, the sentence is modified to pay a fine of Rs.5,000/- and in default to undergo simple imprisonment for two months.

The Criminal Revision Petition is disposed of accordingly.

K.R. UDAYABHANU, JUDGE.